**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH**
**AT HYDERABAD**

WEDNESDAY, THE FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE G. BIKSHAPATHY**

**AND**
**THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY**

**WRIT APPEAL NO : 1898 of 2004**

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 19/11/2004 in WP NO : 21195 OF 2004 on the file of the High Court.)

Between:

Sathavahana College, (Sponsores: Sri Durga Malleswara Educational Society),rep., by its Secretary G. Prajapathi Rao, s/o Apparao, Aged 73 years, R/o Seetharampuram,
Vijayawada,Krishna District.

**..... APPELLANT**

AND

1 The Governmentof Andhra Pradesh,

Rep. by its Principal Secretary, Higher Education Department,
Secretariat, Hyderabad.
2 The Commissioner and

Director of Collegiate Education,

Government of Andhra Pradesh,
Khairatabad, Hyderabad.
3 The Regional Joint Director

of Collegiate Education, Rajahmundry,
East Godavari District.
4 The Principal,

SSR & CVR Government Degree College,

Vijayawada, Krishna District.

**.....RESPONDENTS**

**Counsel for the Appellant: Mr. GADE VENKATESWARA RAO**
**Counsel for the Respondents: GP FOR HIGHER EDUCATION**

**The Court made the following**

**ORDER:** ( per the Hon'ble Sri Justice G.Bikshapathy)

This Writ Appeal is filed against the order of the learned single Judge passed in W.P. No. 21195 of 2004, dated 19-11-2004, challenging the memo issued by the Government dated
23-10-2004, wherein, the request of the institution to continue one Mr. V.V. Krishna Rao as Principal, after retirement from 31-08-2004, was rejected. The learned Judge, after considering the matter, held that the Government order dated 23-10-2004, cannot be interfered with taking into consideration the Government policy, not to take the services of the retired employees. The said order came to be assailed in this Writ Petition.

2. The learned counsel for the Appellant, however, tried to submit that under exceptional circumstances, the extension of services of Mr. V.V. Krishna Rao, were sought for and that there will not be any financial burden on the Government and that the institution will bear the expenses in that regard. In those circumstances, the learned counsel would submit that the order of the single Judge is liable to be set aside.

3. We are afraid, we cannot accept the contention of the learned counsel for the appellant. There is no provision of law for extension of services after the retirement of an employee. Even though undertaking is given by the learned counsel for the respondents that they will pay the salary to the incumbent, but, when the Rules do not permit such a course of action, it is inappropriate for this Court to change the legal set up. Thus, we do not find any ground to interfere with the order of the learned single Judge.

4. The writ appeal is accordingly dismissed. No costs.

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(G.BIKSHAPATHY, J)

(B.SESHASAYANA REDDY, J)

1st December, 2004.

Tsy/rns

To

1 The Principal Secretary,

Governmentof Andhra Pradesh,

Higher Education Department,
Secretariat, Hyderabad.

2 The Commissioner and

Director of Collegiate Education,

Government of Andhra Pradesh,
Khairatabad, Hyderabad.

3 The Regional Joint Director

of Collegiate Education, Rajahmundry,
East Godavari District.

4 The Principal,

SSR & CVR Government Degree College,

Vijayawada, Krishna District.

5 Two CCS to the GP for Higher Education, High Court of A.P.,

Hyderabad (O.U.T.)

6 Two CD Copies.